1950

File No. O. Prev. of Gambling /50

Legal Deptt.

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Subject:— Opinions under the Bombay Prevention of Gambling Act 1887

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O Prev. of Gambling /50

File No.

624-A

Legal Department File No. ... Prev. of Gambling /50

Sr.No.	L.D./...No.	Subject	Pages
		Opinion under the Prevention of Gambling Act, 1887.	
1.	...No. 10961/ 2-8-50	Sec. 1 Application of Act to places in Mehsana District.	1-2
2.	...No. 12970 12-9-50	Sec. 17. Whether it is feasible to take action under sec. 12A of the Act against persons responsible for printing publishing, selling and distributing the Lakhpati final.	3-4
3.	...No. 15229 1-11-50	Sec. 12A. Re: Interpretation of amended Sec. 12A of the Act.	5- 8

...A.D.
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5 copies

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Bombay Prevention of Gambling Act, 1887; Section 1:

Application of Act to places in Mehsana District.

Section (1) of the Bombay Prevention of Gambling Act, 1887, provides that the Act extends to the City of Bombay, to the Island of Salsette, to all railways and railway station houses without the said City and island, and to all places not more than three miles distant from any part of such station houses, and all or any of its provisions may be extended from time to time by the State Government by an order published in the official Gazette to any local area in the State. By ~~xxh@xkx~~ sub-section (1) of section 3 of the Bombay Merged States (Laws) Act, 1950, the provisions of the Bombay Prevention of Gambling Act, 1887, have been extended to the merged States. Under sub-section (3) orders issued under the Act in respect of any specified local area shall be deemed to extend to and be in force also in any area of the merged States which has been included in such local area under any law for the time being in force. The provisions of the Bombay Prevention of Gambling Act, 1887, will thus be deemed to have extended not only to all railways and railway station houses in the limits of the Mehsana district and to places not more than three miles distant from any part of such station houses, but also to any areas of the merged Baroda State which might have b een included in any local a area to which all or any of the provisions of the Act might have been extenced by an order made by the Gov rnment under section 1 of that Act. If any of the places specified in the District Magistrate's letter is included in any such local area it will not be necessary to apply the provisions of the Act to that place.

Sd/-P.M.Lad
1-8

Remembrancer of Legal Affairs.

V.R. U.H.D. O.S. No. 10931, dated 2nd August 1950.

Office of the R.L.A.

Section 12A of the Bombay Prevention of Gambling Act requires that the printing, publishing, selling, etc., should be with the intention of aiding or facilitating gaming. The news sheet Final Lakhpati contains all kinds of information, including the figures shown against the day of the week in the third column on the front side. The R.L.A. would like to have an elucidation as to the interpretation which is sought to be put on the various things printed in this sheet before he can finally decide whether the intention is of aiding or facilitating gaming. The Commissioner of Police may, therefore, be requested to ~~kkuxx~~ elucidate this point with special reference as to how the contents aid or facilitate gaming.

Sd/-P.M.Lad
9/9

C.C. Remembrancer of Legal Affairs.

U.R. to H.D.No. 12979, dated the 12th September 1950.

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R.I.No. 19024 dated 18-10-1950

Submitted.

Please see R.L.A.'s opinion No. 12970, dated 12-9-1950 and bill papers underlying the Bill to amend the Bombay Prevention of Gambling Act, 1887 (Act No. 1 of 1936) by which section 12A was amended (pl. see particularly R.L.A.'s No. 6229, dated 2-11-1935, No. 5746, dated 17-10-1938 1930, No. 6315, dated 11-11-1936 and No. 6996, dated 20-12-1937. Although section 12A was amended with a view to rope in a person who prints and publishes news-sheets like "Final Lakhpati," it was open to him to plead that he believed that the news-sheet was not printed and circulated with the intention of adiding or facilitating gaming. The Commr. of Police who was requested to indicate how things printed in the news-sheets like Final Lakhpati were interpreted, states that the figures and names are open to more than one interpretation and that there is no proof to hold that this news-sheet is printed, published and sold with the intention of aiding or facilitating gaming and that a prosecution, eff launched, may not be successful. It would however be worthwhile to select a news-sheet where there is greater probability of success and to file a test case as suggested by the Commr. of Police.

Sd/-P.S.Nadkarni
21-10

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Prevention of Gambling Act, 1867, sec. 12A.

The R.L.A. is in agreement with the views expressed by the Commissioner of Police. For the ~~xx~~ purposes of the test/ case, such news sheet should be selected as would unequivocaly support the inference of the intention required by the Act.

Sd- P.M.Lad
31-10

O.S. Remembrancer of Legal Affairs.

U.R. to H.D.NO. 15229, dated the 1st Nov. 1950

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